



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

THURSDAY, APRIL 30, 2015 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPERS LAID**

The following Papers were laid on the Table of the Senate-

- i) Report of the Standing Committee on Finance, Commerce and Budget on the examination of the Petition by Mr. Joseph Tipanko Ole Karia on the Management of Revenue from Maasai Mara Game Reserve by Narok County Government.

(Chairperson Standing Committee on Finance, Commerce and Budget)

- ii) Report of the Sessional Committee on delegated Legislation on the Public Finance Management (Equalization Fund) Guidelines, 2015.

(Chairperson Sessional Committee on Delegated Legislation)

- iii) Report of the Standing Committee on Information and Technology on the Analogue Digital Migration Petition by Africa Digital Network Limited.

- iv) Report of the Standing Committee on Information and Technology on 2014/15 Half Year report of the Ministry of information, Communication and Technology.

(Chairperson Standing Committee on Information and Technology)

- v) Statement of the Leader of Minority regarding Business of the Senate for the Week commencing 5th May, 2015.

(Senate Minority Leader)

4. STATEMENTS PURSUANT TO STANDING ORDER 45**a) Statements pursuant to Standing Order 45 (2) (b)**

- i). The Senator for Nyandarua County (Sen. Karue) sought a Statement from the Chairperson of the Joint Committee on Cohesion and Equal opportunity regarding the criterion for appointment and the regional distribution of the recent appointments to parastatals.
- ii). The Nominated Senator (Sen. Ben Njoroge) sought a Statement from the Chairperson of the Standing Committee on Health regarding the negative impact of a new multi-million shillings battery assembly factory in Naivasha on the health of area residents.

b) Statement pursuant to Standing Order 45(2) (c)

The Senate Minority Leader issued a Statement regarding the Business of the Senate for the week commencing Tuesday 5th May, 2015.

5. THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 5 OF 2015)

(The Senate Majority Leader)

Order for First reading read;

Bill Read a First Time.

6. COMMITTEE OF THE WHOLE:

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Murkomen– in the Chair)

The Alcoholic Drinks Control (Amendment) Bill (Senate Bill No. 5 of 2014)

Raising a Point of Order, the Nominated Senator (Sen. Fatuma Dullo) moved that the Committee of the Whole reports progress on its consideration of the Alcoholic Drinks Control (Amendment) Bill (Senate Bill No. 5 of 2014) and seeks leave to sit again tomorrow.

And the Acting Chairperson of Committees acceding to the request;

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson of Committees ruled that the question did not affect counties;

Question put and **agreed to.**

7. **HOUSE RESUMED** – Temporary Speaker – (Sen. Ongoro)- in the Chair)

Progress Reported.

Motion made and Question proposed-

THAT the House do agree with the Committee in the said report.

There being no other Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Ongoro) ruled that the question did not affect counties;

Question put and **agreed to**.

8. **COMMITTEE OF THE WHOLE:**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Murkomen – in the Chair)

The Potato Produce and Marketing Bill (Senate Bill No. 22 of 2014)

Clause 3

Motion made and Question proposed.

That, Clause 3 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

That Clause 3 of the Bill be amended by deleting paragraph (f).

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 4

Motion made and Question proposed.

That, Clause 4 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 4 of the Bill be amended-

- (a) in subclause (1) by deleting the words “National Potato Council” appearing immediately after the words “known as the” and substituting therefor the words “Potato Board of Kenya”; and
- (b) in subclause (2) by deleting the word “Council” appearing in the introductory clause and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 5

Motion made and Question proposed.

That, Clause 5 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 5 of the Bill be amended by-

- i) deleting sub clause (1) and substituting therefor the following new sub clause-
 - (1)The Board shall comprise of-
 - (a) a chairperson who shall be appointed by the President from among stakeholders in the potato industry with the relevant experience;
 - (b) the Principal Secretary in the ministry responsible for matters relating to Agriculture or an alternate designated in writing by the Principal Secretary;
 - (c) three representatives of farmers appointed by the Cabinet Secretary from organizations representing potato farmers;
 - (d) two persons appointed by the Cabinet Secretary to represent trading organizations;
 - (e) one person representing research institutions;
 - (f) one person representing seed producers; and
 - (g) the executive officer who shall be an *ex-officio* member and the secretary to the Board.

- ii) deleting subclause (2) and substituting therefor the following new subclause-
(2) The Cabinet Secretary shall ensure that not more than two-thirds of the persons appointed under subsection (1) are of the same gender.
- iii) deleting subclause (3);
- iv) in subclause (4) by deleting the word “council” appearing immediately after the words “members of the” and substituting therefor the word “Board”;
- v) in subclause (5) by deleting the word “council” appearing immediately after the words “constituting the first” and substituting therefor the word “Board”;
- vi) in subclause (6) by deleting the word “council” appearing immediately after the words “the members of the” and substituting therefor the word “Board”;
- vii) by deleting subclause (7) and substituting therefor the following new subclause-
(7) The members of the Board shall, at the first meeting of the Board and whenever need arises, elect a vice-chairperson from amongst the members appointed under paragraphs (c), (d), (e) and (f) of subsection (1).
- viii) in subclause (8) by deleting the word “council” appearing immediately after the words “as a member of the” and substituting therefor the word “Board”;
- ix) in subclause (9) by deleting the word “council” appearing immediately after the words “a member of the” and substituting therefor the word “Board”;
- x) in subclause (10) by deleting the word “council” appearing immediately after the words “ a member of the” and substituting therefor the word “Board”;
- xi) by deleting subclause (11) and substituting therefor the following new subclause-
(11) The Board may co-opt not more than two members, with no voting rights, who bring in special knowledge to further its mandate and who may serve for a specified time at the discretion of the Board.
- xii) in subclause (12) by deleting the word “council” appearing immediately after the words “ a member of the” and substituting therefor the word “Board”.
(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 6

Motion made and Question proposed.

That, Clause 6 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 6 of the Bill be amended in subclause (1) by deleting the word “council” appearing immediately after the words “function of the” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 7

Motion made and Question proposed.

That, Clause 7 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 7 of the Bill be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) There shall be an Executive Officer of the Board who shall be competitively recruited and appointed by the Board, in consultation with the Cabinet Secretary.

(b) in subclause (2) by deleting the word “council” appearing immediately after the words “Executive Officer of the” and substituting therefor the word “Board”.

(c) in subclause (3) by-

(i) deleting the word “council” appearing immediately after the words “*ex officio* member of the” in paragraph (a) and substituting therefor the word “Board”;

- (ii) deleting the word “council” appearing immediately after the words “employment as the” in paragraph (b) and substituting therefor the word “Board” ;
- (iii) deleting paragraph (c) and substituting therefor the following new subclause-
 - (c) subject to the direction of the Board, be responsible for the day to day management of the Board; and
- (iv) deleting paragraph (d) and substituting therefor the following new paragraph-
 - (d) in consultation with the Board, be responsible for the performance of the functions of the Board and duties, and the general administration of the Board and its secretariat.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 8

Motion made and Question proposed.

That, Clause 8 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 8 of the Bill be amended in the introductory clause by deleting the word “Council” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

CLAUSE 9

Motion made and Question proposed.

That, Clause 9 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT the Bill be amended by deleting Clause 9 and substituting therefor the following new clause-

9. The procedure of the conduct of affairs of the Board shall be as provided in the Third Schedule but subject thereto, the Board may regulate its own procedures.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 10

Motion made and Question proposed.

That, Clause 10 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 10 of the Bill be amended-

- (a) in subclause (1) by deleting the word “Council” appearing immediately before the words “shall gather” and substituting therefor the word “Board”.
- (b) In subclause (2) by deleting the word “Council” appearing immediately before the words “shall disseminate” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 11

Motion made and Question proposed.

That, Clause 11 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 11 of the Bill be amended-

- (a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) The Board may, with the approval of the Cabinet Secretary, impose such levies as it considers necessary in order to raise funds necessary for the performance of its functions.

- (b) in subclause (2) by deleting the word “Council” appearing immediately after the words “authority of the” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 12

Motion made and Question proposed.

That, Clause 12 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT Clause 12 be amended

- (a) in subclause (1) by deleting the word “Council” appearing immediately before the words “shall within twelve” and substituting therefor the word “Board”;

- (b) in subclause 2-

(i) in the introductory clause by deleting the word “Council” appearing immediately after the words “the goals of the” and substituting therefor the word “Board”;

(ii) by deleting the words “at least fifty percent” appearing immediately before the words “usage of certified” in paragraph (a) and substituting therefor the word “optimum”; and

(iii) by deleting the word “double” appearing immediately before the words “the quantities of potatoes” and substituting therefor the words “increase in quality and quantity” in paragraph (b).

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clauses 13, 14 and 15

Motion made and Question proposed.

That, Clause 13, 14 and 15 be part of the Bill.

Putting of question deferred.

Clause 16

Motion made and Question proposed.

That, Clause 16 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT the Bill be amended by deleting Clause 16 and substituting therefor the following new clause-

16. The Board shall, in the performance of its functions under section 10, obtain data on licensed seed producers and seed merchants from the Kenya Plant Health Inspectorate Service and disseminate the information for general reference by potato farmers.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 17

Motion made and Question proposed.

That, Clause 17 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 17 of the Bill be amended-

(a) in subclause (1) by deleting the word “Council” appearing immediately before the words “shall promote the use of” and substituting therefor the word “Board”;

(b) in subclause (2) by deleting the word “Council” appearing immediately before the words “shall take steps” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 18

Motion made and Question proposed.

That, Clause 18 be part of the Bill.

Putting of question deferred.

Clause 19

Motion made and Question proposed.

That, Clause 19 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 19 be amended -

(a) by deleting subclause (1) and substituting therefor the following new subclause-

- (1) The Board may, in consultation with the council of governors, recommend to a Governor the establishment of a County Potato Committee.
- (b) by deleting subclause 2 and substituting therefor with the following new sub-clause-
 - (2) A county committee established under subsection (1) shall comprise of-
 - (a) the county executive committee member responsible for matters relating to trade;
 - (b) three persons representing potato farmers in the county appointed by the county executive committee from amongst potato farmers organizations in the county;
 - (c) two persons representing the potato trading fraternity including brokers and agents;
 - (d) one person representing consumer organizations in the county appointed by the County Executive Committee members; and
 - (e) one person with scientific knowledge of the potato industry who serves in the county government, who shall be the secretary and an *ex-officio* member of the committee and shall have no right to vote at the meetings of the committee.
- (c) by deleting subclause (3) and substituting therefor the following new subclause –
 - (3) In the case of the Capital City or an urban county in which there are no potato farmers, the membership to the county committee specified under subclause (2)(b) shall instead consist of three persons representing association of processors of potato products and nominated by the Council of Governors.
- (d) in subclause (5) by deleting the word “Council” –
 - (i) appearing immediately after the words “issued by the” in paragraph (a) and substituting therefor the word “Board”;
 - (ii) appearing immediately after the words “help the” in paragraph (e) and substituting therefor the word “Board”;

- (e) in subclause (6) by deleting the words “or (3)(b)(c) and (d),” appearing immediately after the words “sections (2)(b) and (c)”;
- (f) in subclause (8) by deleting the words “National Potato Council” appearing immediately after the words “be a member of the” and substituting therefor the words “Board”; and
- (g) in subclause (9) by deleting the word “Council” appearing immediately after the words “subsection (3), the” and substituting therefor the word “Board”.

Debate arising;

Further amendment proposed

Motion made and Question proposed

That the proposed amendments to Clause 19 be further amended in part (c) by inserting the words “**caterers and association of**” between the words “association of” and “processors of”.

(Senator Eng. Muriuki Karue)

Debate arising;

Putting of question deferred.

Clause 20

Motion made and Question proposed.

That, Clause 20 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 20 of the Bill be amended-

- (a) in subclause (3) by deleting the word “Council” appearing immediately before the words “ shall issue guidelines” and substituting therefor the word “Board”; and
- (b) in subclause (5) by deleting the word “Council” appearing immediately after the words “committee members or” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 21

Motion made and Question proposed.

That, Clause 21 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 21 of the Bill be amended-

- (a) in subclause (1) by deleting the words “National Potato Council” appearing immediately before the words “shall issue” and substituting therefor the word “Board”; and
- (b) in subclause (2) by deleting the word “Council” appearing immediately before the words “shall institute a mechanism” and substituting therefor the word “Board”

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 22

Motion made and Question proposed.

That, Clause 22 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 22 of the Bill be amended-

- (a) in subclause (1) by –
 - (i) deleting the word “Council” appearing in the introductory clause and substituting therefor the word “Board”;
 - (ii) deleting the word “Council” appearing immediately after the words “potato produce as the” in paragraph (b) and substituting therefor the word “Board” ;

(iii) deleting paragraph (c) and substituting therefor the following new paragraph-

(c) acquire such quantities of potato seeds for sale, storage or for such other purposes as the Board may from time to time decide and sell or otherwise dispose of such stocks in such manner as it considers appropriate;

(iv) inserting the following new paragraph immediately after paragraph (c)-

(d) promote value addition in potato farming.

(b) in subclause (2) by deleting the word “Council” appearing immediately before the words “may engage” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 23

Motion made and Question proposed.

That, Clause 23 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 23 of the Bill be amended in subclause (1) by deleting the words “one hundred and ten” appearing immediately after the words “potatoes shall be” and substituting therefor the word “fifty”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 24

Motion made and Question proposed.

That, Clause 24 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 24 of the Bill be amended in subclause (1) by deleting the word “Council” appearing at the end of the subclause and substituting therefor the word “Board”

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 25

Motion made and Question proposed.

That, Clause 25 be part of the Bill.

Debate arising;

Putting of question deferred.

Clause 26

Motion made and Question proposed.

That, Clause 26 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 26 of the Bill be amended-

(a) in subclause (1) by deleting the word “Council” appearing immediately after the words “shall be administered by the” and substituting therefor the word “Board”;

(b) in subclause (2) by –

(i) deleting the word “Council” appearing immediately after the words “accrue to the” in paragraph (c) and substituting therefor the word “Board”;

(ii) deleting the word “Council” appearing immediately after the words “may grant to the” in paragraph (d) and substituting therefor the word “Board”;

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 27

Motion made and Question proposed.

That, Clause 27 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 27 of the Bill be amended in subclause (1) by-

- (a) deleting the word “Council” appearing immediately after the words “expenses of the” in paragraph (a) and substituting therefor the word “Board”; and
- (b) deleting the word “Council’s” appearing immediately after the words “necessary to fulfill the” in paragraph (b) and substituting therefor the word “Board’s”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 28

Motion made and Question proposed.

That, Clause 28 be part of the Bill.

Debate arising;

Putting of question deferred.

Clause 29

Motion made and Question proposed.

That, Clause 29 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 29 of the Bill be amended-

- (a) in the introductory clause by deleting the word “Council” appearing immediately after the words “finances of the” and substituting therefor the word “Board”;

- (b) by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) monies accruing to the Board out of levies that may be set by the Board as provided for under section 11;

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 30

Motion made and Question proposed.

That, Clause 30 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 30 of the Bill be amended by deleting the word “Council” appearing immediately after the words “year of the” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 31

Motion made and Question proposed.

That, Clause 31 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 31 of the Bill be amended-

- (a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) Before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that financial year.

- (b) in clause (2) by deleting the word “Council” appearing immediately before the words “shall approve” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 32

Motion made and Question proposed.

That, Clause 32 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 32 of the Bill be amended-

- (a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.

- (b) in subclause (2) by deleting the word “Council” appearing immediately after the words “appointed by the” and substituting therefor the word “Board”.

- (c) by deleting subclause (3) and substituting therefor the following new subclause-

(3) Within a period of three months from the end of the financial year, the Board shall submit to the Auditor-General, or to an auditor appointed under subsection (2), the accounts of the Board.

- (d) in subclause (4) by deleting the word “Council” appearing immediately after the words “audited accounts of the” and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 33

Motion made and Question proposed.

That, Clause 33 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 33 of the Bill be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) The Board shall, within three months after the end of a financial year, prepare and submit to Parliament an annual report on the operations of the Board for the preceding year.

(b) in subclause (2) by-

(i) deleting the word “council” appearing immediately after the words “statements of the” in paragraph (a) and substituting therefor the word “Board”; and

(ii) deleting the word “council” appearing immediately after the words “activities of the” in paragraph (b) and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 34

Motion made and Question proposed.

That, Clause 34 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 34 of the Bill be amended in subclause (1)-

(a) by deleting the word “council” appearing immediately after the words “consultation with the” in the introductory phrase and substituting therefor the word “Board”;

- (b) by deleting the word “council” appearing immediately after the words “this Act by the” in paragraph (d) and substituting therefor the word “Board” .

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 35

Motion made and Question proposed.

That, Clause 35 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 35 of the Bill be amended-

- (a) in subclause (1) by deleting the word “council” appearing at the end of the subclause and substituting therefor the word “Board”;
- (b) in subclause (2) by-
- (i) deleting the word “council” appearing immediately after the words “criminal nature, the” and substituting therefor the word “Board” in paragraph (a);
 - (ii) deleting the word “council” appearing immediately after the words “civil nature, the” and substituting therefor the word “Board” in paragraph (b);
 - (iii) deleting the word “council” appearing immediately after the words “civil nature the” and substituting therefor the word “Board” in paragraph (b);
- (c) by deleting subclause (4) and substituting therefor the following new subclause-
- (4) Where the complaint is against the Board, the matter shall be referred to the Cabinet Secretary who shall act in accordance with subsection (2) instead of the Board.
- (d) in subclause (5) by deleting the word “council” appearing at the end of the subclause and substituting therefor the word “Board”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clauses 36, 37 and 38

Motion made and Question proposed.

That, Clauses 36, 37 and 38 be part of the Bill.

Debate arising;

Putting of question deferred.

FIRST SCHEDULE

Motion made and Question proposed.

That, the First Schedule be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

That, the Bill be amended by deleting the First Schedule.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

SECOND SCHEDULE

Motion made and Question proposed.

That, the Second Schedule be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

That, the Bill be amended by deleting the Second Schedule.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

THIRD SCHEDULE

Motion made and Question proposed.

That, the Third Schedule be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT the third schedule be amended-

(a) in paragraph 1 by-

(i) by deleting subparagraph (1) and substituting therefor the following new subparagraph-

1) The Board shall hold such number of meetings at such places and at such times as the Board shall consider necessary for the proper discharge of its functions, provided that a decision to hold a Board meeting other than at its designated headquarters shall only be made by a resolution of the Board.

(ii) deleting the word "council" appearing immediately after the words "notwithstanding subsection (1)" in subparagraph (2) and substituting therefor the word "Board";

(iii) deleting the word "council" appearing at the end of subparagraph (3) and substituting therefor the word "Board";

(b) in paragraph 2 by deleting the word "council" appearing immediately after the words "business of the" and substituting therefor the word "Board";

(c) by deleting paragraph 3 and substituting therefor the following new paragraph-

Quorum at 3. The quorum for the conduct of business at a meeting of the Board shall be half of the members of the Board, excluding ex- officio and co-opted members

(d) in paragraph 4 by deleting the word "council" appearing immediately after the words "matter before the" in subparagraph (1) and substituting therefor the word "Board";

(e) in paragraph 5 by deleting the word "council" appearing immediately after the words "provisions of this Act the" and substituting therefor the word "Board";

(f) by deleting paragraph 6 and substituting therefor the following new paragraph-

Vacancies and improper appointments 6. Proceedings of the Board shall not be invalid by reason only of a vacancy in the membership of the Board or by reason of a defect in the process of appointment of a member.

(g) by deleting paragraph 7 and substituting therefor the following new paragraph-

Disclosure of interest 7. (1) If a member of the Board has a direct or indirect interest in a contract, proposed contract or other matter before the Board, such member shall as soon as is practicable after the commencement of that meeting, disclose that fact.

(2) A member to whom subparagraph (1) applies shall not be present at a meeting of the Board, or a committee of the Board at which the matter in which the member has disclosed an interest is considered by the Board.

(h) in paragraph 8 by deleting the word “council” appearing immediately after the words “meeting of the” and substituting therefor the word “Board”

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 2

Motion made and Question proposed.

That, Clause 2 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 2 of the Bill be amended by-

(a) inserting the following new definitions in the correct alphabetical sequence-

“Board” means the Potato Board of Kenya established under section 4;

“county executive member” means the county executive member responsible for matters relating to Agriculture:
and

(b) deleting the definition of the word “Council”

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Title

Motion made and Question proposed.

That, the Title be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT the Bill be amended by deleting the long title and substituting therefor the following new title –

AN ACT of Parliament to establish the Potato Board of Kenya, to enhance productivity and income of potato farmers; to set standards to regulate the industry; and for connected purposes.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Clause 1

Motion made and Question proposed.

That, Clause 1 be part of the Bill.

Amendment proposed.

Motion made and Question proposed.

THAT clause 1 of the Bill be amended by deleting the words “sixty” appearing immediately after the words “on the expiry of” and substituting therefor the word “ninety”.

(Vice Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

Debate arising;

Putting of question deferred.

Raising a Point of Order, the Senator for Nyandarua County (Sen. Muriuki Karue) Moved that the Committee of the Whole reports progress on its consideration of the Potato Produce and Marketing Bill (Senate Bill No. 22 of 2014) and seeks leave to sit again tomorrow.

And the Acting Chairperson of Committees acceding to the request;

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson of Committees ruled that the question did not affect counties;

Question put and **agreed to**.

9. **HOUSE RESUMED** – Temporary Speaker – (Sen. Ongoro - in the Chair)

Progress Reported.

Motion made and Question proposed-

THAT the House do agree with the Committee in the said report.

There being no other Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 72, the Temporary Speaker (Sen. Ongoro) ruled that the question did not affect counties;

Question put and **agreed to**.

10. **COMMITTEE OF THE WHOLE:**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Murkomen – in the Chair)

The Public Fundraising Appeals Bill (Senate Bill No. 28 of 2014)

Clause 4 – amendment proposed

THAT clause 4(1) of the Bill be amended in paragraph (e) by deleting the number “10” appearing immediately after the words “under section” and substituting therefor the number “11”.

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Clause 5 - amendment proposed

THAT clause 5 of the Bill be amended by inserting the following new paragraph immediately after paragraph (h) –

(ha) determine appeals from the county committee submitted to it under section 39;

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Further Amendment -

THAT clause 5 of the Bill be amended by deleting the words “and oversee the county committees” appearing immediately after the words “collaborate with” and substituting therefor the words “county executive committee members”.

(Sen. Mutahi)

Moving of amendment deferred

Clause 6

Motion made and Question proposed

That, Clause 6 be part of the Bill

Putting of the Question deferred

Clause 7 -amendment proposed

THAT clause 7 of the Bill be amended –

(a) in subclause (1) by inserting the following new paragraph immediately after paragraph (e) –

(ea) is found to have violated Chapter Six of the Constitution;

(b) by inserting the following new subclause immediately after subclause (2) therefor–

(2A) The ad hoc committee appointed under subsection (2) shall consist of –

(a) a public officer serving in the ministry responsible for matters relating to planning and social development nominated by the Cabinet Secretary;

No. 22 of 2011 (b) one person nominated by the Ethics and Anti-Corruption Commission established under the Ethics and Anti-Corruption Commission Act, 2011 from amongst its members; and

(c) one person nominated by the Law Society of Kenya from amongst its members.

(Sen. Nyong'o on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Clauses 8 & 9

Motion made and Question proposed

That, clauses 8&9 be part of the Bill

Putting of the Question deferred

Clause 10 -amendment proposed

THAT clause 10 of the Bill be amended in subclause (2) by inserting the phrase “and such other matter related to the conduct of fundraising appeals that the National Committee shall consider necessary” immediately after the words “fundraising activities”.

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Clauses 11&12

Motion made and Question proposed

That, Clauses 11 & 12 be part of the Bill

Putting of the Question deferred

HEADING OF PART 111, Clause 13 and Clause 14 – amendment

THAT the Bill be amended by deleting Part III and substituting therefor the following new Part -

**PART III – REGULATION OF FUNDRAISING APPEALS AT THE COUNTY
LEVEL OF GOVERNMENT**

Role of
County
Executive
Committee
member.

13. (1) The County Executive Committee Member in each county shall be responsible for the administration of this Act at the county level of government.

(2) Notwithstanding the generality of subsection (1), the County Executive Committee Member shall –

- (a) receive, vet and process applications for the issuance of a licence to conduct a public fundraising appeal within the county;
- (b) regulate the conduct of fundraising appeals within the county;
- (c) investigate any complaints, misuse of funds raised through a fundraising appeal or any issue relating to the conduct of a fundraising appeal under this Act within the county;
- (d) carry out inspections of records and audits relating to a fundraising appeal conducted under this Act;
- (e) maintain a register of all licenses issued to a person conducting a fundraising appeal under this Act;

- (f) monitor and evaluate the conduct of fundraising appeals within the county; and
- (g) perform such other functions as may be necessary for the implementation of this Act.

(3) The county executive committee member may nominate such public officers as he considers necessary for the performance of the function under subsection (2).

(4) The county executive committee member shall have all the powers necessary for the proper discharge of the functions under this Act and without prejudice to the generality of the foregoing, shall have the power to —

- (a) oversee the conduct of fundraising appeals carried out under this Act within the county;
- (b) require any information from any person conducting or intending to conduct a fundraising appeal under this Act;
- (c) require at any time, before the issuance of a licence and at any time after being issued with a licence such information as it may consider necessary; and
- (d) monitor the compliance, by persons licensed under this Act, of the provisions of this Act.

Submission of report to County Assembly. **14.** The county executive committee member shall prepare an annual report on the activities relating to fundraising appeals conducted within the county and submit the report to the County Assembly.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clauses 15, 16 & 17

Motion made and Question proposed

That, Clauses 15, 16 & 17 be part of the Bill

Putting of the Question deferred

Clause 18 - amendment proposed

THAT clause 18 of the Bill be amended –

(a) in subclause (1) by inserting the following new paragraph immediately after paragraph (e) –

(ea) is found to have violated Chapter Six of the Constitution;

(b) by inserting the following new subclause immediately after subclause (2)–

(2A) The ad hoc committee appointed by the Governor under subsection (2) shall consist of –

(a) a public officer serving in the department responsible for matters relating to planning and social development nominated by the Governor;

No. 22 of 2011 (b) one person nominated by the Ethics and Anti-Corruption Commission established under the Ethics and Anti-Corruption Commission Act, 2011 from amongst its members; and

(c) one person nominated by the Law Society of Kenya from amongst its members.

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Clauses 19, 20, 21 & 22

Motion made and Question proposed

That, Clauses 19, 20, 21 & 22 be part of the Bill

Putting of the Question deferred

Clause 23 - amendedment proposed

THAT clause 23 of the Bill be amended by deleting paragraph (b) and substituting therefore the following new paragraph –

- (b) money or property collected by or under the authority of a recognized representative of a religious association registered under the Societies Act for normal collections such as tithes and offerings or for the purpose of carrying out developments or projects for the benefit of the association.

(Sen. Beth Mugo)

Debate arising

Putting of the Question deferred

Clause 24 - amendedment

THAT the Bill be amended by deleting clause 24 and substituting therefor the following new clause –

Non-application
of Part to
private
fundraising
appeals.

24. The provisions of this Part shall not apply to –

- (a) a public fundraising appeal conducted by a fundraising manager to members of the public or a section of the public for the purpose of raising funds to raise education fees or to settle funeral or medical expenses; or
- (b) a private fundraising appeal where the solicitation is made from members of the beneficiary's nuclear family or relatives and does not extend to members of the public.

(Sen. Beth Mugo)

Amendment withdrawn

Motion made and Question proposed

That, Clause 24 be part of the Bill

Putting of the Question deferred

Clause 25 - amendment proposed

THAT clause 25 of the Bill be amended –

- (a) by inserting the following new subclause immediately after clause (2) –

(2A) The provisions of section 33 shall apply to the consideration of an application submitted to the county committee under subsection (2).

- (b) in subsection (6) by inserting the following new paragraph immediately after paragraph (f) –

(fa) the promotion of education.

(Sen. Nyongo on behalf of Chairperson of the Committee on Labour and Social Welfare)

Further amendment

THAT clause 25 of the Bill be amended in ubclause 2 by deleting the words county committee’ and substituting therefor the words relevant county executive committee Member’

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clause 26 - amendment proposed

THAT clause 26 of the Bill be amended –

- (a) in subsection (2) by deleting the word “thirty” appearing immediately after the words “at least” and substituting therefor the word “twenty one”;
- (b) in subsection (3) by inserting the following new paragraph immediately after paragraph (g) –
 - (ga) a statement regarding whether any monies have been received with respect to the matter pertaining to the fundraising appeal from any person prior to the date of the proposed fundraising appeal;

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Further amendment

That clause 26 of the Bill be amended –

- (a) in subclause (3) by inserting paragraph (ba) immediately after paragraph (b) –
 - (ba) the necessity of conducting the fundraising appeal;
- (b) in subclause (4) by inserting the words “the Elections Act” immediately after the words “Ethics Act” appearing in paragraph (e).

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clause 27 - amendment proposed

THAT clause 27 of the Bill be amended in subclause (3) by inserting the word “conditions” immediately after the words “impose such”.

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Clause 28

Motion made and Question proposed

That, Clause 28 be part of the Bill

Putting of the Question deferred

Clause 29 - amendment proposed

THAT clause 29 of the Bill be amended –

- (a) by numbering the subclause appearing before subclause (2) as subclause (1);
- (b) in subclause (1) by inserting the words “solicit or” immediately after the words “shall not”.

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Further amendment

THAT clause 29 of the Bill be amended –

- (a) in subclause (1) by deleting the words “county committee” appearing immediately after the words “Committee or a” and substituting therefor the words “county executive committee member”;
- (b) in subclause (2) by deleting the words “county committee” “Committee or a” and substituting therefor the words “county executive committee member”; and
- (c) in subclause (3) by deleting the words “county committee” “Committee or a” and substituting therefor the words “relevant county executive committee member”.

(Sen Mutahi Kagwe)

Moving of amendment deferred

Clauses 30 & 31

Motion made and Question proposed

That, Clauses 30 & 31 be part of the Bill

Putting of the Question deferred

Clause 32 - amendment proposed

THAT clause 32 of the Bill be amended in subclause (1) by deleting the words “county committee” appearing immediately after the word “the” and substituting therefor the words “county executive committee member”.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clause 33 - amendment proposed

THAT clause 33 of the Bill be amended by inserting the following new subclause immediately after subclause (3) –

- (4) The county committee shall, where it refuses to license a person, specify the reasons for such refusal in the notification issued to the applicant under subsection (3).

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Further amendment-

THAT clause 33 of the Bill be amended –

- (a) in subclause (1) by deleting the words “county committee” appearing immediately after the word “the” and substituting therefor the words “county executive committee member”;
- (b) in subclause (2) by deleting the words “county committee” appearing immediately after the words “opinion of the” and substituting therefor the words “county executive committee member”; and
- (c) in subclause (3) by deleting the words “county committee” appearing immediately after the words “refusal, the” and substituting therefor the words “county executive committee member”.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clause 34

Motion made and Question proposed

That, Clauses 34 be part of the Bill

Putting of the Question deferred

Clause 35 - amendment proposed

THAT clause 35 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d) –

- (e) the committee determines that the licence was obtained fraudulently or through a misrepresentation of facts.

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Clause 36

Motion made and Question proposed

That, Clauses 36 be part of the Bill

Putting of the Question deferred

Clause 37

THAT clause 37 of the Bill be amended in subclause (1) by deleting the words “county committee” appearing immediately after the word “notice, the” and substituting therefor the words “county executive committee member”.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clause 38

Motion made and Question proposed

That, Clause 38 be part of the Bill

Putting of the Question deferred

Clause 39

THAT clause 39 of the Bill be amended in subclause (1) by deleting the words “county committee” appearing immediately after the words “decision of the” and substituting therefor the words “county executive committee member”.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clauses 40, 41, 43 & 44

Motion made and Question proposed

That, Clauses 40, 41, 43 & 44 be part of the Bill

Putting of the Question deferred

Clause 45 - amendedment proposed

THAT clause 45(1) of the Bill be amended by inserting the following new paragraph immediately after paragraph (a) –

(aa) the name, number and address of the bank into which the monies raised in relation to the fundraising appeal were deposited;

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Clauses 46 & 47

Motion made and Question proposed

That, Clauses 46 & 47 be part of the Bill

Putting of the Question deferred

Clause 48 - amendedment proposed

THAT clause 48 of the Bill be amended in subclause (1) by deleting the words “three months” appearing immediately after the words “section 46 within” and substituting therefor the words “thirty days”;

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Further amendment-

THAT clause 48 of the Bill be further amended in subclause (1) by deleting the words “county committee” appearing immediately after the word “submit to the” and substituting therefor the words “county executive committee member”.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clause 49 - amendment proposed

THAT clause 49 of the Bill be amended by inserting the following new subclause immediately after subclause (2) –

- (3) The Kenya National Audit Office may carry out an inspection of the books and accounts in relation to a fundraising appeal carried out under this Act.

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising

Putting of the Question deferred

Clause 50 – amendment proposed

THAT clause 50 of the Bill be amended –

- (a)
in subclause (2) by deleting the words “county committee” appearing immediately after the words “approval of the” and

substituting therefor the words “county executive committee member”; and

(b)

In subclause (4) by deleting the words “county committee” appearing immediately after the words “the Committee or” appearing in paragraph (b) and substituting therefor the words “county executive committee member”.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clause 51 - amendment

THAT clause 51 of the Bill be amended in subclause (3) by deleting the words “county committee” appearing immediately after the words “surrender to the” and substituting therefor the words “county executive committee member”.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clauses 52 & 53

Motion made and Question proposed

That, Clauses 52 & 53 be part of the Bill

Putting of the Question deferred

Clause 54 - amendment

THAT clause 54 of the Bill be amended in subclause (1) by deleting the words “county committee” appearing immediately after the word “the” and substituting therefor the words “county executive committee member”.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clauses 55, 56, 57 & 58

Motion made and Question proposed

That, Clauses 55, 56, 57 & 58 be part of the Bill

Putting of the Question deferred

Clause 59 - amendment

THAT clause 59 the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause –

- (1) A
member of the National Committee, an employee of the National Committee or a county executive committee member shall not receive any gift or favour from an Applicant or a person licenced under this Act if the licence is still in operation.

(Sen. Mutahi Kagwe)

Moving of amendment deferred

Clauses 60 & 61

Motion made and Question proposed

That, Clauses 60 & 61 be part of the Bill

Putting of the Question deferred

New Clause 25 A

THAT the Bill be amended by inserting the following new clause immediately after clause 25 –

Member of Parliament not to participate in or conduct a fundraising appeal.	25.A (1) An elected or nominated Member of Parliament or of a County Assembly shall not actively participate in a fundraising function or conduct a fundraising appeal, whether directly or indirectly, during his or her term as a Member of Parliament.
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(2) Notwithstanding subsection (1), a Member of Parliament may make an anonymous contribution to a fundraising appeal conducted in accordance with this Act.

(3) A person who contravenes the provisions of this section shall be liable to a fine not exceeding eight hundred thousand shillings.

(Sen. Nyong'o on behalf of Sen Mutahi Kagwe)

Motion made and Question proposed;

THAT, the New Clause 25 A be now read a Second Time;

Debate arising;

Putting of the question deferred

New Clause 48 A

THAT the Bill be amended by inserting the following new clause immediately after clause 48 –

Declaration of source of contribution. **48.A** A person who makes a contribution to a fundraising appeal shall –

(a) specify the source of the contribution; and

(b) declare such contribution in the income tax returns submitted by such person pursuant to the Income Tax Act.

(Sen. Nyong'o on behalf of Sen Mutahi Kagwe)

Motion made and Question proposed;

THAT, the New Clause 48 A be now read a Second Time;

Debate Arising

Putting of the question deferred

NEW CLAUSE 51A

THAT the Bill be amended by inserting the following new clause immediately after clause 51—

Misappropriation
of funds.

51A. A person who applies the funds received pursuant to a fundraising appeal for a purpose other than which for which the appeal was held commits an offence.

(Sen. Nyongo on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Motion made and Question proposed;

THAT, the New Clause 51A be now read a Second Time;

Debate Arising

Putting of the question deferred

Schedule

THAT the Bill be amended in the Schedule—

- (a) by deleting the words “and the county committees” appearing in the title to the Schedule;
- (b) by deleting subparagraph (2) of paragraph 1; and
- (c) by deleting paragraph 6.

(Sen. Nyong'o on behalf of Sen Mutahi Kagwe)

Clause 2 - amendment proposed

THAT clause 2 of the Bill be amended –

(a) in paragraph (b) of the definition of the word “beneficiary” by inserting the words “referred to under paragraph (a)” immediately after the words “class of persons”; and

(b) in the definition of the word “fundraising appeal” by deleting the number “20” appearing immediately after the words “under section” and substituting therefor the number “21”.

(Sen. Nyong'o on behalf of the Chairperson of the Committee on Labour and Social Welfare)

Debate arising,

Putting of the question deferred

Further amendment

THAT clause 2 of the Bill be amended–

(a) In the definition of the word “county register” by deleting the word “county committee” appearing immediately after the words “which a” and substituting therefor the words “county executive committee member”;

(b) by deleting the definition of the word “county committee”; and

(c) by deleting the definition of the word “relevant committee”.

(Sen. Nyong'o on behalf of Sen Mutahi Kagwe)

Debate arising,

Putting of the question deferred

Clause 3

Motion made and Question proposed

That, Clause 3 be part of the Bill

Putting of the Question deferred

Title

Motion made and Question proposed

That, the title be part of the Bill

Putting of the Question deferred

Clause 1

Motion made and Question proposed

That, Clause 1 be part of the Bill

Putting of the Question deferred

11. **PROGRESS REPORT**

Motion made:-

THAT, the Committee of the whole House do report progress and seek leave to sit again tomorrow.

(Sen. Murkomen)

Question put and agreed to.

12. **HOUSE RESUMED** - Temporary Speaker Sen. Ongoro in the Chair.

13. **THE PUBLIC FUND RAISING APPEALS BILL (SENATE BILL NO. 28 OF 2014) -PROGRESS REPORT**

Progress reported:-

THAT, the Committee of the whole House has considered the Public Fundraising Appeals Bill (Senate Bill NO. 28 OF 2014) and seeks leave to sit again tomorrow.

(Sen. Murkomen)

Motion made and Question proposed:-

THAT, the House doth agree with the Committee in the said Report.

(Sen. Nyong'o)

Question put and agreed to.

14. **MOTION- REVIEW OF EXISTING LEGISLATION ON HEALTH CARE TO MAINSTREAM AND ENHANCE CARE FOR PATIENTS WITH DEMENTI**

(Department of Health)

THAT, aware that currently there are approximately 44 million persons living with dementia worldwide, a figure that is expected to triple by 2050; acknowledging that caring for dementia patients can be a difficult experience; appreciating the contribution of family members and other care givers of people suffering from dementia across Kenya; noting with concern that mental healthcare does not seem to be a priority in the public health sector in Kenya since the allocation for mental healthcare is less than 1% of the total public health budget; acknowledging the importance of raising awareness of dementia and ensuring that people with dementia are treated with dignity and respect; appreciating the contribution of non- governmental organizations such as the Africa Mental Health Foundation and the International Institute for Legislative Affairs who provide a platform for sharing of views and experiences on care of people with dementia; noting the need to enhance awareness on and provide better care for patients of dementia; the Senate directs the Standing Committee on Health to immediately initiate review of the existing legislation on health care in order to mainstream and enhance care for patients of dementia and further that the Committee submits a report to the House on the matter within ninety (90) days.

(Sen. (Dr.) Wilfred Machage)

Order deferred by leave of the Senate

15. **MOTION – ISSUANCE OF IDENTITY CARDS TO ORPHARNS AND VULNERABLE CHILDREN ON ATTAINING OF 18 YEARS OF AGE**

(Department of Interior and Coordination of National Government)

THAT, cognizant that Article 12 of the Constitution guarantees a right to citizenship; noting that it is the right of every Kenyan attaining 18 years to register and be issued with a National Identity Card ; further noting that the National Identity Card is at the core in determining the extent to which an individual enjoys his or her fundamental rights and freedoms; concerned that Orphans and Vulnerable Children attaining the age of 18 years in children's homes have difficulties obtaining the National Identity Cards, the Senate urges the National Government to take remedial, policy, administrative and legislative measures to improve and expedite the process of registration for National Identity Cards especially for the Orphans and Vulnerable Children who live in children's homes and have attained 18 years of age.

(Sen. Beatrice Elachi)

Order deferred by leave of the Senate

16. **MOTION- ESTABLISHMENT OF NATIONAL AIDS CONTROL COUNCIL (NACC) OFFICES IN COUNTIES**

THAT, cognizant that the core mandate of the National AIDS Control Council (NACC) is to develop strategies, policies and guidelines relevant to the prevention and control of HIV and AIDS in Kenya; noting that the operational structure of NACC has not been aligned to the Constitution of Kenya 2010; acknowledging the objects of devolution as set out under Article 174 of the Constitution; recognizing that under the Fourth Schedule, the health function has been devolved except for the health policy and referral hospitals; concerned that an estimated 1.2 million Kenyans are infected with HIV/AIDS and a 100,000 are infected annually; recognizing the need to achieve an “*AIDS free society*” by stepping up the fight against the pandemic at the County level, the Senate urges the National Government to set up the National AIDS Control Council (NACC) County offices in all County Headquarters with the National Headquarters providing overall co-ordination and that the resources allocated for the fight against HIV/AIDS be disbursed and managed at the County level.

(Sen. Sammy Leshore)

Order deferred by leave of the Senate

17. **ADJOURNMENT OF THE HOUSE**

And there being no other business, the Temporary Speaker (Sen. Ongoro) adjourned the House at forty five minutes past Five O'clock without Question put pursuant to Standing Orders.

18. **HOUSE ROSE** - at forty five minutes past Five O'clock.

M E M O R A N D U M

The Speaker will take the Chair on

Tuesday, May 5, 2015 at 2.30 p.m.

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